

United States District Court

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Jun 22, 2021

Eastern District of Washington

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Josiah Jacob Arquette

Case Number: 0980 1:18CR02026-SMJ-1

Address of Offender: Toppenish, Washington 98948

Name of Sentencing Judicial Officer: The Honorable Salvador Mendoza, Jr., U.S. District Judge

Date of Original Sentence: June 17, 2019

Original Offense: Assault Resulting in Serious Bodily Injury, 18 U.S.C. §§ 113(a)(6) & 1153

Original Sentence: Prison - 41 months
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Benjamin David Seal

Date Supervision Commenced: February 12, 2021

Defense Attorney: Jeremy B Sporn

Date Supervision Expires: February 11, 2024

PETITIONING THE COURT

To incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on April 8, 2021, and June 9, 2021.

The probation officer believes that the offender has violated the following conditions of supervision:

| Violation Number | Nature of Noncompliance |
|------------------|-------------------------|
|------------------|-------------------------|

6 Special Condition #7: You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Arquette is alleged to have violated his conditions of supervised release by consuming methamphetamine on or about June 8, 2021.

Per COVID-19 procedures, Mr. Arquette's conditions of supervised release were verbally reviewed with him on February 18, 2021. The offender verbally acknowledged an understanding of his conditions, which includes special condition number 7, as noted above.

On June 8, 2021, Mr. Arquette reported to the probation office and submitted a presumptive positive urinalysis (UA) for methamphetamine. Mr. Arquette denied consuming controlled substances since June 1, 2021. The UA was sent to Alere Toxicology Services for analysis. On June 18, 2021, Alere Toxicology Services reported Mr. Arquette's UA to be confirmed positive for the presence of methamphetamine.

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Standard Condition #2: After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.

Supporting Evidence: Mr. Arquette is alleged to have violated his conditions of supervised release by failing to report to the probation office on June 14, 2021, as directed.

Per COVID-19 procedures, Mr. Arquette's conditions of supervised release were verbally reviewed with him on February 18, 2021. The offender verbally acknowledged an understanding of his conditions, which includes standard condition number 2, as noted above.

On June 10, 2021, Mr. Arquette called the probation office and spoke with a probation officer. At the conclusion of the call, Mr. Arquette was directed to report to the probation office on June 14, 2021, at 1:30 p.m.

On June 14, 2021, Mr. Arquette failed to report as directed and failed to contact the probation office to explain why he could not report.

On June 16, 2021, this officer unsuccessfully attempted to contact Mr. Arquette on the telephone to discuss why he failed to report as instructed. This officer left voice messages with family members requesting Mr. Arquette contact the probation office.

On June 17, 2021, this officer unsuccessfully attempted to contact Mr. Arquette at his residence in Toppenish, Washington. Since this officer was unable to contact Mr. Arquette, a business card was left at the door of his residence directing him to report to the probation office by 10 a.m. on June 21, 2021, or Court action would be requested.

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Special Condition #7: You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Arquette is alleged to have violated his conditions of supervised release by consuming marijuana on June 19, 2021.

Per COVID-19 procedures, Mr. Arquette's conditions of supervised release were verbally reviewed with him on February 18, 2021. The offender verbally acknowledged an understanding of his conditions, which includes special condition number 7, as noted above.

On June 21, 2021, Mr. Arquette reported to the probation office and signed a drug use admission form admitting to consuming marijuana on June 19, 2021. He also provided a UA that was sent to Alere Toxicology Services for testing and to establish a base line level for marijuana.

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Special Condition #6: You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: Mr. Arquette is alleged to have violated his conditions of supervised release by failing to attend substance abuse treatment at Merit Resource Services on June 10, and 16, 2021.

Per COVID-19 procedures, Mr. Arquette's conditions of supervised release were verbally reviewed with him on February 18, 2021. The offender verbally acknowledged an understanding of his conditions, which includes special condition number 6 as noted above.

On June 17, 2021, this officer spoke with Mr. Arquette's primary counselor at Merit Resource Services about Mr. Arquette's attendance in treatment. His counselor informed this officer that Mr. Arquette was a no call no show for treatment on June 10 and 16, 2021.

The U.S. Probation Office respectfully recommends the Court to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 22, 2021

s/Phil Casey

Phil Casey
U.S. Probation Officer

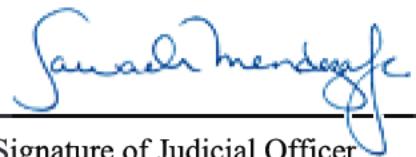
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THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- Defendant to appear before the Judge assigned to the case.
- Defendant to appear before the Magistrate Judge.
- Other



Signature of Judicial Officer

06/22/2021

Date